

FILE NO.: Z-7723-D

NAME: 4624 West 12th Street Revised Short-form PCD

LOCATION: Located at 4624 West 12th Street

DEVELOPER:

Rick Evans
c/o McGetrick Engineering
P. O. Box 30441
Little Rock, AR 72260

ENGINEER:

McGetrick Engineering
P. O. Box 30441
Little Rock, AR 72260

AREA: 0.50 acres NUMBER OF LOTS: 1 zoning lot FT. NEW STREET: 0 LF

CURRENT ZONING: PCD

ALLOWED USES: C-3, General Commercial District and a Church

PROPOSED ZONING: Revised PCD

PROPOSED USE: Restaurant with parking lot

VARIANCE/WAIVERS: A variance to allow a reduction in the right of way dedication on Jefferson Street.

BACKGROUND:

Ordinance No. 19,181 adopted by the Little Rock Board of Directors on September 21, 2004, established Treadway Short-form PCD. The request included a replat of Lots 1 and 2, Block 30 of the Cunningham's Addition to the City of Little Rock. Each of the lots contained individual buildings, which were constructed over lot lines. The indicated lots were zoned C-3, General Commercial District which typically required a 100-foot lot width, 14,000 square foot lot area and setbacks of 25-feet front yard, 25-feet rear yard and 15-feet side yard. The proposed plat indicated lot widths of 85-feet and 55-feet, a lot area of 8,500 square feet and 5,500 square feet and reduced front, side and rear yard setbacks.

A three year deferral of the required street improvements associated with the redevelopment of Lot 2R (the church) was approved. The improvements to Lot 1R were tied to the redevelopment of Lot 1R (the former gas station). An in-lieu contribution based on fifteen (15) percent of the total building addition cost to be paid at the end of the three (3) year deferral was approved.

The approved plan indicated the placement of 21 on-site parking spaces shared between the two lots. The proposed uses of the site would include the development of a church on Lot 2R and commercial uses as allowed under the C-3, General Commercial District zoning classification for Lot 1R.

The approved site plan did not include the placement of landscaping on the site. Due to the limits of size and setbacks of the site landscaping would be an extreme hardship and reduce the number of parking spaces on the site.

A request to revise the previously approved Planned Commercial Development to expand the allowable uses for the site was to be considered by the Commission at their October 26, 2006, public hearing. The applicant proposed to amend the previously approved Planned Commercial Development for Lot 1R to add sales and service and customizing of automotive vehicles as specified by individual clients as an allowable use. Customization was to include installation of stereos and other unique décor; modification of auto parts, both interior and exterior, which would require disassembly and reassembly; installation of decorative parts; and painting murals on vehicles. The applicant later requested the item be withdrawn from consideration. The Commission approved this withdrawal request at their October 26, 2006, public hearing.

Ordinance No. 19,687 adopted by the Little Rock Board of Directors on February 6, 2007, allowed a revision to the previously approved PCD. The church located on the northern lot proposed to amend the site plan to allow the existing structure to be removed and the construction of a new church. The development did not occur. The building has been removed from the site.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The current request is to revise the site plan for Lot 2R to allow the construction of a parking lot to serve a proposed restaurant with take-out service only on Lot 1R. The existing building contains 1,400 gross square feet of floor area. The parking lot is proposed containing 17-parking spaces. The hours of operation for the restaurant are from 6 am to midnight seven (7) days per week. The dumpster service hours are from 7 am to 6 pm. The site contains an existing billboard which is proposed to remain.

The request includes a variance to allow a reduction in the right of way dedication on Jefferson Street.

B. EXISTING CONDITIONS:

The site contains a former gas station building fronting on West 12th Street and a vacant lot fronting on Jefferson Street. West 12th Street is a four (4) lane roadway with turn-lanes at intersections. Jefferson Street is a narrow roadway with open ditches for drainage and no sidewalk, curb or gutter in place. To the north of the Jefferson Street lot are single-family homes. Along West 12th Street are non-residential retail uses. Across West 12th Street to the south is a multi-family development, Madison Heights.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has not received any comment from area residents. All property owners located within 200-feet of the site along with the Forest Hills and the Hope Neighborhood Associations were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Due to the proposed use of the property, the Master Street Plan specifies that Jefferson Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. A 20-foot radial dedication of right-of-way is required at the intersection of Jefferson Street and 12th Street.
3. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to Jefferson Street including 5-foot sidewalks with the planned development. The new back of curb should be located 15.5-feet from centerline.
4. All driveways shall be concrete aprons per City Ordinance.
5. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy. The existing south curb cut on Jefferson Street should be removed. The existing west curb cut on 12th Street should be removed.
6. Vehicles are not allowed to back out into 12th Street and Jefferson Street. The driveways on 12th Street and the south driveway on Jefferson Street should be closed with curb and gutter. Per City of Little Rock code, driveways should be located at least 300-feet from other driveways and intersections on 12th Street and at least 200-feet on Jefferson Street.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Lot 1R has sewer access south side of 12th Street. Lot 2R has sewer access in alley to north of property. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy has no objection to this proposal. Electric service has been provided to this location from the alley behind the building. Use caution when working near existing power lines.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. A water main extension will be needed to provide water service to this property.
3. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.
4. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
5. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
6. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
7. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
8. Contact Central Arkansas Water if additional fire protection or metered water service is required.

9. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.
10. The facilities on-site will be private. When meters are planned off private lines. Private facilities shall be installed to Central Arkansas Water's material and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of Customer Owned Line agreement is required.
11. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone backflow preventer shall be required.
12. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

Fire Department: Fire hydrants per code. Maintain access. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: Proposed site is directly served by Route #3. Bus stop at 12th and Adams is in front of property.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is a change in occupancy and is therefore subject to current building code requirements. Review and approval is required by Building Codes Division before occupancy takes place. For information on submittal requirements and the review process, contact a commercial plans examiner: Curtis Richey at 501.371.4724; crichey@littlerock.org or Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the I-630 Planning District. The Land Use Plan shows Mixed Use (MX) for this property. The Mixed Use category provides for a mixture of residential, office and commercial uses to

occur. A Planned Zoning District is required if the use is entirely office or commercial or if the use is a mixture of the three. The applicant has applied for a rezoning from PCD (Planned Commercial District) to PCD (Planned Commercial District) to change a PCD to a restaurant and parking on this site.

Master Street Plan: 12th Street is a Minor Arterial and Jefferson Street is Local Street on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on 12th Street since it is a Minor Arterial. The primary function of a Local Street is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for Commercial Streets. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class II Bike Lanes are shown along 12th Street. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. All vehicular use areas which were in existence prior to the effective date of the Landscape Ordinance may continue as non-conforming until such time a building permit is issued to rehabilitate a structure on the property exceeding (50) percent of current replacement cost of the structure. At such time (50) percent of the existing vehicular use area shall be brought into compliance and shall continue to full compliance on a graduated scale based on the percentage of rehabilitation cost.
3. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
4. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property. This strip shall be at least nine (9) feet wide. Provide trees with an average linear spacing of not less than thirty (30) feet within the perimeter planting strip. Provide three (3) shrubs or vines for every thirty (30) linear feet of perimeter planting strip. The property is located in the City's designated mature area. A 25% reduction of the perimeter requirements is acceptable. A 6.75 foot buffer is required on the east property line.

5. Street buffers will be required at six (6) percent of the average depth of the lot. The minimum dimension shall be one-half ($\frac{1}{2}$) the full width requirement but in no case less than nine (9) feet. The property is located in the City's designated mature area. A 25% reduction of the buffer requirements is acceptable. A 6.75 foot buffer is required on Jefferson Street and 12th Street. Easements cannot count toward fulfilling this requirement. The plantings, existing and purposed, shall be provided within the City's Landscape Ordinance requirements.
6. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum of seven and one half ($7 \frac{1}{2}$) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
7. An irrigation system shall be required for developments of one (1) acre or larger.
8. For developments of less than one (1) acre there shall be a water source within seventy-five (75) feet of the plants to be irrigated.
9. All ground-mounted mechanical systems and trash receptacles and pickup shall be oriented away from a primary street side of the property and screened from the public right-of-way. Ground-mounted mechanical systems and trash receptacles shall be placed adjacent to alleys if alleys are available.
10. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (June 4, 2014)

Mr. Pat McGetrick was present representing the request. Staff presented an overview of the development stating there were a few outstanding technical issues in need of addressing prior to the Commission acting on the request. Staff requested Mr. McGetrick provide the location of any proposed ground and building signage. Staff also requested Mr. McGetrick provide the total sign area proposed for each. Staff requested Mr. McGetrick provide the location of any proposed dumpster facilities to be located on the site.

Public Works comments were addressed. Staff stated the drives on 12th Street should be closed. Staff stated the drive closest to the intersection on Jefferson Street should also be closed. Staff stated street improvements to Jefferson Street were required. Staff also stated a radial dedication of right of way was required at the intersection of Jefferson and West 12th Streets.

Landscaping comments were addressed. Staff stated the street buffer along West 12th Street and Jefferson Street should be brought into compliance with the minimum standards of the landscape ordinance. Staff stated this would involve removal of existing paving to allow for the planting strip. Staff stated screening was required where the property abutted residentially zoned or used property.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing a number of the issues raised at the June 4, 2014, Subdivision Committee meeting. The revised plan places three (3) parking spaces in front of the building and has removed the driveway entrance on 12th Street nearest the intersection of 12th and Jefferson Streets. The plan includes removal of the driveway entrance on Jefferson Street nearest the intersection of 12th and Jefferson Streets. A new drive is planned which will allow access to two (2) spaces along the western side of the building and the new paved area located on Lot 2R. Lot 2R will contain 12-parking spaces and the dumpster location.

The restaurant is proposed as take-out service only. Based on the use of the property with take-out only service the use is considered a retail use which would typically require the placement of five (5) parking spaces. The applicant is requesting to be allowed the placement of the 17-parking spaces to allow for flexibility to add seating in the future. Based on the typical parking required for a restaurant with sit-down service a total of 14-parking spaces would be required. The hours of operation for the restaurant are from 6 am to midnight seven (7) days per week. The dumpster service hours are limited to 7 am to 6 pm. The dumpster will be screened to meet the minimum ordinance requirements within the zoning ordinance. All site lighting will be low level, directional and directed downward and into the site.

The applicant has indicated signage will comply with the typical standards of the zoning ordinance or a maximum of 36-feet in height and 160-square feet in area. Building signage will be limited to the facades which have public street frontage and be limited to a maximum of ten (10) percent of the façade area. The site contains an existing billboard which is proposed to remain.

The applicant is requesting a variance to allow a reduction in the right of way dedication along Jefferson Street. The development is proposed as a commercial development which would typically require a dedication of right of way to 30-feet from centerline. The developer is proposing a right of way dedication of 25-feet from centerline. Staff is supportive of the variance request. Jefferson Street is a residential street. Staff does not support a variance to the radial right of way dedication. Staff feels the 25-foot right of way dedication on Jefferson Street is adequate to serve the area.

Staff is supportive of the request. The applicant is requesting to amend the previously approved PCD to remove the previously proposed building construction and place a parking area within the rear yard area. The site plan indicates the new paved areas will be landscaped and screening will be placed along the northern perimeter to comply with the typical ordinance requirements. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the revision to the PCD as proposed is appropriate.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends approval of the variance request to allow a reduced right of way dedication on Jefferson Street but the 20-foot radial dedication at the intersection of 12th and Jefferson Streets must be provided.

PLANNING COMMISSION ACTION:

(JUNE 26, 2014)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant had requested a deferral of this item to the August 7, 2014, public hearing. Staff stated the deferral request was made on June 19, 2014. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

The applicant is continuing to work with the property owner of the northern parcel to secure approval for the rezoning request. Staff recommends deferral of this item to the September 18, 2014, public hearing.

PLANNING COMMISSION ACTION:

(AUGUST 7, 2014)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant was continuing to work with the property owner of the northern parcel to secure approval for the rezoning request. Staff presented a recommendation of deferral of the item to the September 18, 2014, public hearing.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 9 ayes, 0 noes and 2 absent.

STAFF UPDATE:

The applicant has resolved all outstanding technical issues associated with the request. Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in the agenda staff report in paragraphs D, E and F.

PLANNING COMMISSION ACTION:

(SEPTEMBER 18, 2014)

The applicant was present. There were no registered objectors present. Staff stated the applicant was requesting to add an additional condition to his approval which modified hours of operation limiting the operational hours to 6 am to 10 pm daily. Staff stated the applicant had resolved all outstanding technical issues associated with the request. Staff presented a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in the agenda staff report in paragraphs D, E and F.

There was no further discussion. The Chair entertained a motion for approval of the item as presented by staff. The motion was approved by a vote of 9 ayes, 0 noes and 2 absent.